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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,291	11/10/2003	George C. Schedivy	8002A-86	5428
22150 7590 02/25/2009 F. CHAU & ASSOCIATES, LLC 130 WOODBURY ROAD WOODBURY, NY 11797				
EXAMINER				
LARSON, JUSTIN MATTHEW				
ART UNIT		PAPER NUMBER		
3782				
MAIL DATE		DELIVERY MODE		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/705,291

Applicant(s)

SCHEIDIVY, GEORGE C.

Examiner

Justin M. Larson

Art Unit

3782

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-22, 24, 25, 29-32, 34-37, 45, 46 and 50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-22, 24, 25, 29-32, 34-37, 45, 46 and 50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/29/08 has been entered.

Response to Amendment

2. The amendment filed 12/29/08 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: Newly added Figure 11D, as well as the brief mention of this new figure that has been added to the written specification, attempts to show recesses on a rear surface of the housing and one end of the wedge positioned in these recesses. Nowhere in the originally filed disclosure are the recesses explicitly shown or disclosed as being shaped, configured, and/or arranged as now shown in Figure 11D. Also, nowhere in the originally filed disclosure is an end of the wedge shown or disclosed as engaging one of the recesses in the manner depicted in Figure 11D.

Applicant is required to cancel the new matter in the reply to this Office Action.

Drawings

3. The drawings filed 11/10/03 are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the wedge being positioned in a recess on a rear panel of the housing, as now recited in claims 20, 37, and 50, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 20-22, 24, 25, 29-31, 34-37, 45, and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adams et al. (US 6,380,978 B1) in view of Leyden et al. (US 6,371,345 B1) and Yoshioka (JP 06197245 A), and further in view of Hsu (US 6,994,236 B2).

Regarding claim 37, the video system of Adams et al. comprises a display (14), a media source (26) coupled to the display, and a housing (12) suspended at a rear of a vehicle seat, wherein the housing includes a cavity to receive an entertainment unit (10) in the housing and suspend the entertainment unit from the seat and the housing is capable of being fixed to different positions using a mounting mechanism that includes a wedge (see Figure 2A) positioned between the vehicle seat and the housing.

Adams et al. fail to disclose the mounting mechanism including at least one mounting post positioned between the seat and the housing where one end of the post is attached to a headrest post of the vehicle seat via a bracket including a ring and the other end of the post is attached to the housing via a moveable ball joint. Instead, the mounting mechanism of Adams et al. includes a flap of material attached to an upper end of the housing where the flap of material has two holes for mounting about the two posts of a vehicle seat headrest as shown in Figure 2A. Adams et al. also fail to

disclose one end of the wedge being positioned in a recess on a rear panel of the housing, as Adams et al. is silent as to any structural details of the depicted wedge.

Regarding the mounting mechanism, Leyden et al. teach that it is desirable to moveably attach (col. 1 lines 20-25) an entertainment device (O) within a vehicle using a mounting mechanism that includes a post (14) having one end attached to a mounting surface in a vehicle and the other end attached to the entertainment device via a moveable ball joint (12/28). Similarly, Yoshioka discloses a device housing (3) suspended from the posts of a vehicle seat headrest via at least one mounting post (2), where the mounting post is secured about the headrest posts via a bracket that includes a ring (1a/4a), the ring having a circumference (formed by inner surfaces of 1a/4a) that is larger than a circumference of the headrest posts to permit free movement of the ring around the posts. It would have been obvious to one having ordinary skill in the art at the time the invention was made to replace with flap mounting mechanism of Adams et al. with a post mounting mechanism, as motivated by both Leyden et al. and Yoshioka, where one end of the post is moveably attached to the housing of Adams et al. via a ball joint, as taught by Leyden et al., and the other end of the post is attached via a bracket with a ring to the posts of a headrest, as taught by Yoshioka, in order to provide a mounting mechanism that allows the position of the entertainment device to be adjusted to a greater degree (via the ball joint).

Regarding the wedge, Hsu also discloses an adjustable wedge (3) positioned between a video system and a seat, where one end of the wedge (surface 32, which as disclosed can include the hooks of a set of hook-and-loop fasteners) is positioned within

a recess on a rear panel of the video system (as disclosed, fastener 56, located on the rear of the housing, can include the loops of a set of hook-and-loop fasteners, where the loops define any number of recesses positioned on the rear panel into which the hooks can be positioned) and the other end of the wedge is butted against the seat so as to allow a user to adjust the viewing angle of the video system (abstract). It would have been obvious to one having ordinary skill in the art at the time the invention was made to replace the wedge of Adams et al. with a adjustable wedge secured to the rear panel of the video system via hook and loop fasteners so that a user would be able to easily adjust the viewing angle of the video system, as taught by Hsu.

Regarding claim 20, the modified Adams et al. video system comprises an entertainment unit (10) comprising a display (14) and a media source (26), a housing (12) attached via a ball joint to at least one rigid member (mounting post) coupled via a bracket/ring to at least one headrest support member of a seat in a vehicle and suspended at a rear of the seat, wherein the housing includes a cavity to temporarily receive the entertainment unit (10) in the housing (12) and suspend the entertainment unit from the seat, and a wedge positioned between the seat and the housing, wherein the wedge is capable of being locked into a plurality of positions along the y-axis. Note that the DVD player (10) and its internal components could be removed from the outer casing (12) if one so desired.

Regarding claim 21, the bracket ring (1a/4a) of the modified Adams et al. video system opens and closes (via 5/6 as taught by Yoshioka) to allow placement of the ring around the headrest support member without removing the headrest from the seat.

Regarding claim 22, the bracket of the modified Adams et al. video system is in the shape of a ring as it wraps around the headrest supports and includes a locking mechanism (5/6), as taught by Yoshioka.

Regarding claims 24 and 45, the mounting post of the modified Adams et al. video system would be capable of being fixed in a plurality of positions along at least one of the x-axis, the y-axis, and the z-axis.

Regarding claims 25 and 46, the mounting post implemented on the Adams et al. video system, as taught by Yoshioka, is fixed using a locking nut (6).

Regarding claim 29, materials can either be bendable or unbendable. Therefore, the housing of the modified Adams et al. video system must be one of the two.

Regarding claim 30, the housing of the modified Adams et al. video system includes an opening (DVD slot) that provides access to the media source.

Regarding claim 31, the housing of the modified Adams et al. video system includes an opening for allowing a view of the display.

Regarding claim 34, the modified Adams et al. video system is shown to have a power port (Figure 2A, Adams).

Regarding claim 35, the media source of the modified Adams et al. video system is slot-type.

Regarding claim 36, the media source of the modified Adams et al. video system includes a DVD player (10).

6. Claims 32 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adams et al., in view of Leyden et al., Yoshioka, and Hsu as applied above, further in view of Meritt (US 6,216,927 B1).

The video system of Adams et al. includes the claimed features except for the housing being formed in substantially a U-shape having an open side through which the entertainment unit is inserted or removed. Meritt, however, discloses a similar video system suspended at the rear of a vehicle seat and teaches that a housing is substantially U-shaped having an open side through which the entertainment unit is inserted or removed. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a housing like that taught by Meritt with the video system of Adams et al., where the housing would be attached to the vehicle seat and the entire entertainment device (10/12/14/26) would be removably stored within the housing such that the device could be easily removed from the housing for use outside the vehicle.

Response to Arguments

7. Applicant's arguments filed 12/29/08 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin M. Larson whose telephone number is (571) 272-8649. The examiner can normally be reached on Monday-Friday, 9AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Newhouse can be reached on (571) 272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. M. L./
Examiner, Art Unit 3782
2/18/09

/Nathan J. Newhouse/
Supervisory Patent Examiner, Art Unit 3782